

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT JAMES MILLER and
ISABELLITA ANNE ISIS,

Defendants.

CR 20-96-BLG-SPW-1

**ORDER VACATING TRIAL
AND DEADLINES**

Counsel for Defendant, Robert James Miller, has filed an Unopposed Motion and Brief to Vacate Trial Pending Defendants' Appearance (Doc. 35).

A district court may grant a continuance and exclude the time period of the continuation from the calculation of the speedy trial deadline when “the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). In determining whether an ends of justice continuance is appropriate, a district court must consider, *inter alia*, whether the failure to grant the continuance will result in a miscarriage of justice, and whether the case would deny counsel for the defendant the reasonably time necessary for effective preparation.

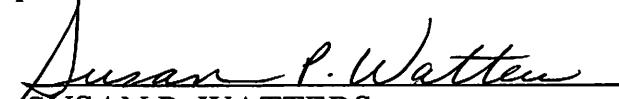
Defendants are charged with Conspiracy to Possess with Intent to Distribute Methamphetamine and Possession of Methamphetamine with Intent to Distribute

Methamphetamine. They face a potential sentence of up to life imprisonment, with a mandatory minimum 10-year sentence, if convicted. The Court takes note of Defendant's need to discuss the case with Counsel, and to make informed decisions of whether to accept a plea agreement, engage in plea negotiations, or proceed to trial. Moreover, the Court notes both Defense Counsels' difficulty making contact with the Defendants. Based on a review of the documents submitted in this case and the entire record, this Court concludes that the ends of justice are served through the granting of a continuance of dates and deadlines in this matter, to be reset by further court order. Further, the Court finds that failure to grant the requested continuance would likely result in a miscarriage of justice. For the purposes of the Speedy Trial Act, the days between the date of this Order and the new trial date are excludable for all Defendants under 18 U.S.C. § 3161(h)(7)(A). All Defendants are carried along in this continuance.

IT IS HEREBY ORDERED that the Defendant's Unopposed Motion to Vacate Trial is **GRANTED**. The trial set for April 26, 2021, and all other dates and deadlines in this matter are **VACATED**, to be reset by further order.

The Clerk of Court is directed to notify the parties of the making of this order.

DATED this 12th day of April, 2021.


SUSAN P. WATTERS
UNITED STATES DISTRICT JUDGE